



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER 714 FILING DATE 1/3/95 ATTY/ITY FIRST NAMED APPLICANT ATTY DOCKET NO 02200-10026

83M1/1106
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025

EXAMINER
ENG, D
ART UNIT 2315
PAPER NUMBER 5
DATE MAILED: 11/06/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 7/31/97
 This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 22 - 39 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
 Claim(s) _____ is/are allowed.
 Claim(s) 22 - 39 is/are rejected.
 Claim(s) _____ is/are objected to.
 Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
 The drawing(s) filed on _____ is/are objected to by the Examiner.
 The proposed drawing correction, filed on _____ is approved disapproved.
 The specification is objected to by the Examiner.
 The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.
 received in Application No. (Series Code/Serial Number) _____
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892
 Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
 Interview Summary, PTO-413
 Notice of Draftsperson's Patent Drawing Review, PTO-948
 Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 2315

Claims 1-21 have been cancelled. New claims 22-39 have been entered. The active claims are 22-39.

Claims 25, 27 and 32-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 25, it is no clear how the step of recording statistics is related to the steps recited in parent claim 22. Note that the steps of parent claim 22 do not generate any statistics. Claim 32 has similar defect. There is no functional relationship between the statistics registers and the components recited in parent claim 29. Other claims are rejected also because of the defect of their parent claims. Claim 39 has similar defect as claim 25.

With respect to claim 33, no underrun conditions or collisions are seen from the components of the system as recited in the claims. Furthe, the number of underrun conditions and the number of collisions experienced have no antecedent basis.

In line 5 of claim 37, there is no clear antecedent basis for "said serial side".

In lines 9 and 13, there are no steps a-d recited.

In line 18 of claim 37, there are no steps b through I recited.

In claim 38, it is not clear what is meant by "the step of causng memory locations--to be relocated"?

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 2315

Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hausman.

See Figures 4A to 4B and "Packet Transmission" in columns 6 and 7 in Hausman. With respect to claim 22, Hausman discloses a process comprising:

copying data to be transmitted over a network from a main memory in a host computer to a buffer memory in a network controller for so long as unused memory locations remain in said buffer memory (see boxes 415 and 405 in Figure 4A);

commencing the transmission of said data copied from said main memory to said buffer from said buffer memory onto the physical link of a network when a threshold quantity of data has been copied from said main memory to said buffer memory (see boxes 420 and 425 in Figure 4B).

Hausman does not explicitly state that the freed memory locations are being allocated as available. It is the position of the examiner that it would have been obvious to a person of ordinary skill in the art to recognize that the freed memory locations are being allocated as available for accepting new data from main memory so that data can be continuous to flow through the buffer from the main memory to the network. Otherwise the system would not work.

As to claim 23, Hausman's data is in a frame format also (see packet in Figure 3).

As to claim 24, a complete indication is sent to the host as soon as the entire packet is received (see lines 21-23, column 3).

As to claim 25, see boxes 430, 435, 440, 445 and 450 in Figure 4B.

As to claims 26-27, Hausman's network is a LAN ethernet. See lines 40-42 of column 1.

As to claim 28, Hausman's buffer is a FIFO. See line 45 of column 1.

Art Unit: 2315

Claims 29-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hausman in view of Copeland.

As to claims 29-39, Hausman discloses claim combination set forth in the rejection above. Hausman does not explicitly show that data through the adapter is required to be serially and parallelly converted. It is well known that host operates data in parallel and the network link in serial and that a serial/parallel converter is required between a host and a network link. Copeland teaches an adapter between a host and a network link. The adapter contains an UART for parallel/serial conversion. From the teaching of Copeland, one of ordinary skill in the art should readily recognize that Hausman's adapter also contains a serial/parallel converter.

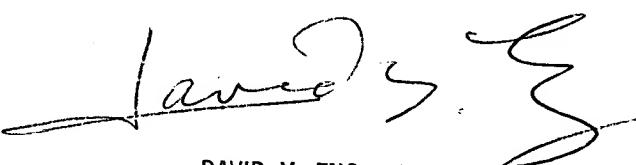
On pages 7 and 8 of the communication filed on July 31 1997, applicants argue on the part of Copeland's patent which is not relied on by the examiner in his rejection. Applicant's argument is not persuasive in that applicants fail to explain why the Copeland reference as interpreted by the examiner in his Office action does not meet the claim limitations.

As to the remarks directed to the Hausman reference, similar to the instant invention as claimed, Hausman's adapter also generates an indicating signal (interrupt signal, see lines 21-23 of column 3) to the host as soon as a complete packet has been received such that the host is free to do something else or to send a new packet.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2315

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.



DAVID Y. ENG
PRIMARY EXAMINER
ART UNIT 232